

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DANIEL RAMIREZ,

CASE NO. 5:10-cv-04374 EJD

ORDER TO SHOW CAUSE

Plaintiff(s),

v.

UNITED RENTALS, INC.,

Defendant(s).

On January 3, 2014, this court issued a Clerks Notice which scheduled the above-entitled action for a Status Conference on February 28, 2014, and required the parties to file a Joint Status Conference Statement on or before February 21, 2014. See Docket Item No. 80. In addition, the court previously referred this action to private mediation to be completed no later than February 10, 2014. See Docket Item Nos. 79, 82.

Defendant filed a timely, separate Status Conference Statement in response to the Clerks Notice. See Docket Item No. 83. As of the date and time this order was filed, Plaintiff has not filed a Status Conference Statement. Moreover, according to Defendant's statement, the private mediation did not occur by the deadline set by the court because "Plaintiff unexpectedly cancelled the mediation."

Based on these circumstances, it appears to the court that Plaintiff has abandoned this action. Accordingly, the court hereby issues an order to show cause why this action should not be dismissed for failure to prosecute or for failure to comply with a court order. If Plaintiff does not, **by**

1 **February 28, 2014**, demonstrate good cause in writing why this case should not be dismissed by
2 explaining why he failed to timely complete mediation and failed to file a Status Conference
3 Statement, the court will dismiss the action with prejudice pursuant to Federal Rule of Civil
4 Procedure 41(b). No hearing will be held on the order to show cause unless otherwise ordered by
5 the court.

6 In light of this order, the Status Conference scheduled for February 28, 2014, is VACATED
7 and will be reset by the court if necessary.

8 **IT IS SO ORDERED.**

9
10 Dated: February 25, 2014


EDWARD J. DAVILA
United States District Judge